

Karin M. Gunter, Esquire
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ATTORNEY FOR PLAINTIFF,
MARTHA STEELE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARTHA STEELE,	:
Plaintiff	:
	:
v.	:
	:
	Civil Action No. 02-cv-4347
	:
HCI DIRECT,	:
	:
Defendant.	:

**PLAINTIFF'S REPLY IN OPPOSITION TO
DEFENDANT'S MOTION FOR RECONSIDERATION**

Plaintiff, Martha Steele, by and through her undersigned counsel, Karin M. Gunter, Esquire, respectfully requests this Honorable Court DENY Defendant's Motion for Reconsideration on the following grounds:

1. Reconsideration is inappropriate relief where Defendant fails to show the newly presented evidence is actually newly discovered or not previously available.
2. Reconsideration is inappropriate relief where Defendant merely restates repetitive arguments that were examined and ruled upon by this Court in denying Defendant's underlying motion to dismiss.

3. Reconsideration is inappropriate relief where Defendant avers as a basis for its motion that witnesses are "not likely to testify voluntarily," since federal rules provides other vehicles for compelling non-party witness testimony.

4. Alternatively, the facts in this matter support the need to prevent the manifest injustice that would be suffered by Plaintiff, that is, dismissal of the entire action with prejudice, if Defendant's motion for reconsideration were granted.

WHEREFORE, Plaintiff respectfully moves this Honorable Court DENY Defendant's Motion for Reconsideration and direct Defendant to file and serve an Answer to Plaintiff's Amended Complaint within twenty (20) days of the entry of this Court's order.

The reasons for this Reply are set forth in the attached Memorandum of Law, which is herein incorporated.

Respectfully submitted,

KARIN M. GUNTER ATTORNEY AT LAW

/s/ Karin M. Gunter, Esq.
Karin M. Gunter, Esquire
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Date: August 27, 2004

CERTIFICATION OF SERVICE

I do hereby certify that service of a true and correct copy of the within Plaintiff's Reply in Opposition to Defendant's Motion for Reconsideration was made on the 27th day of August 2004 to the below named counsel for Defendant via first class U.S. mail, postage pre-paid:

Joseph J. Centeno, Esquire
Obermayer Rebmann Maxwell & Hippell LLP
1617 John F. Kennedy Boulevard
One Penn Center, 19th Floor
Philadelphia, Pennsylvania 19103-1895

/s/ Karin M. Gunter, Esq.
KARIN M. GUNTER, ESQUIRE

Date: August 27, 2004

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Defendant.

ORDER

AND NOW, this day of , 2004, upon consideration of
Defendant's Motion for Reconsideration and Plaintiff's Reply in Opposition thereto, it is hereby
ORDERED that Defendant's Motion is DENIED. It is furthered ORDERED AND DECREED that
Defendant HCI Direct is directed to file and serve an Answer to the Amended Complaint within
20 days of entry of this Order.

BY THE COURT:

BRUCE W. KAUFFMAN, J.

